

Appl. No.	:	10/785,473
Applicant	:	James F. Allsup, et al
Filed	:	February 24, 2004
Title	:	Long Term Disability Overpayment Recovery System With Interactive Client Component
TC/A.U.	:	3691
Examiner	:	G. Johnson
Conf. No.	:	8554
Docket No.	:	AI 7391C1

**DECLARATION OF DANIEL J. ALLSUP UNDER 37 C.F.R. §1.132**

I, Daniel J. Allsup, declare as follows:

1. I reside in Goodyear, Arizona, where I am employed by Allsup, Inc. ("Allsup") as Communications Director.

2. I have been an employee of Allsup for over 20 years. In 1999, I was the Communications Director at Allsup where my duties included publishing corporate and internal newsletters.

3. I have reviewed and understand the Examiner's comments in the Office Action of August 19, 2009, regarding the September 1999 Allsup Express, "Allsup Employee Newsletter Article: Bank Transaction Builds Client Base" identified by the Examiner as "*Allsup Express*" in the Office Action dated August 19, 2009.

4. I am familiar with the procedures and policies of Allsup concerning the production and distribution of the *Allsup Express* newsletter, including the procedures and policies as they existed in 1999.

5. Since at least 1998, each employee of Allsup is given a copy of Allsup's Employee Handbook ("the Handbook") at or soon after the time of their employment. Pages i-ii, 10, 25-26, and 29-30 of the 1998 revision of the Handbook are attached hereto as Exhibit A and incorporated by reference herein.

6. All employees of Allsup are encouraged to read the Handbook carefully and keep it for future reference. (Exhibit A, page numbered ii).

7. All employees of Allsup are expected to follow security practices to protect Allsup's proprietary information. (Exhibit A, page numbered 26, under "Security Practices" heading).

8. All employees of Allsup are expected to protect confidential information and trade secrets of Allsup. (Exhibit A, page numbered 30, under "Confidentiality and Non-Competition" heading).

9. As defined by the Handbook, confidential information includes, but is not limited to, knowledge and information concerning Allsup's services, customers, business operations and technical details of Allsup's business and the services rendered by Allsup. (Exhibit A, page numbered 30, under "Confidentiality and Non-Competition" heading).

10. The *Allsup Express* newsletter was an internal company newsletter designed to provide information about company policies and programs and was produced solely for distribution to, and use by, Allsup employees. (Exhibit A, page numbered 10).

11. The number of copies of a particular issue of the *Allsup Express* newsletter printed was equal to the number of employees of Allsup at the time of printing plus several additional copies for archival purposes. This was true in September 1999 when the *Allsup Express* newsletter in question was printed.

12. The *Allsup Express* newsletter was made available to Allsup employees by handing a copy of each issue to each employee of Allsup at Allsup's place of

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business or by mailing a copy to the address at which the employee worked. This procedure was followed in 1999 when the September 1999 edition of the *Allsup Express* newsletter was distributed.

13. No issue, including the September 1999 issue, of *Allsup Express* has ever been published on any website maintained by Allsup

14. The September 1999 issue of *Allsup Express* was distributed in printed form only.

15. Allsup has not cataloged or indexed, or caused to be cataloged or indexed, the *Allsup Express* newsletter in any publically available catalog or index. Hence, to the best of my knowledge, the September 1999 edition of the *Allsup Express* newsletter cannot be found in any publically available catalog or index.

16. All statements made herein of my own knowledge are true and all statements made on information and beliefs are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application to which this declaration pertains or any patent issuing on it.

Dated: January 18, 2010

Claire / Allsup  
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Daniel J. Allsup

## WELCOME

Welcome to Allsup Incorporated. In the coming weeks you'll be learning a great deal about your new job and meeting new people who will be your associates.



Please read this booklet carefully and keep it for future reference. If this handbook fails to answer any important questions, ask your manager. We want you to be well informed about your company.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Allsup".

James F. Allsup  
President

The first few days on a new job can be a bit confusing, so we have designed this booklet to acquaint you with the basic policies and practices of our company. We believe it will help promote a friendly and cooperative understanding between you and the company's management. This relationship makes Allsup Inc. a good place to work.

We will be fair and honest with you, and will always respect your rights as an employee. We believe the basic interests of our employees and the company are the same, and it is essential that both work together to ensure our mutual success.

Our goal is to continually develop and sustain an efficient and highly productive group that works together as a team. We want to provide a working environment free of stringent rules and regulations, which may stifle creativity and productivity. We want our people to continue to improve their performance and skills, and accept a personal challenge to commit themselves to maintaining high standards.

Allsup Inc. is a dynamic company. But we can only continue to grow and prosper through the efforts of our people. This is attainable through your ability to perform across a broad spectrum of activities. Superior performance will be recognized and rewarded.

***The Allsup Express***

The Allsup Express is a publication distributed to all employees. Its objective is to provide information about company policies and programs, as well as highlight the achievements of individual employees.

***CHANGES IN PERSONAL STATUS***

It is important to you and the company to keep certain information concerning you and your family up-to-date. This is necessary for tax withholding, insurance and other purposes.

Any change in your address, telephone number, marital status, number of dependents or the person to be notified in an emergency should be reported to your manager. You should also report any additional training or education you receive that is not in your records. Keeping your training and education records current can be beneficial whenever you are considered for transfer or promotion.

***RELEASE OF PERSONAL INFORMATION***

The intent of our practice on releasing information about current or former employees is to protect their privacy and to assist them with appropriate credit.

Allsup Inc. will respond to written or telephone requests from verifiable sources by releasing only dates of employment and last position title. Salary information will not be released without the employee's authorization.

## **CONDUCT AT WORK**

In order to have a pleasant and businesslike place in which to work, we must all abide by generally accepted standards of good conduct and decency. Requiring our employees to follow these standards, and to conduct themselves in a professional manner while at work, is not meant to restrict the rights of any one employee, but to protect the rights of all employees.

# **OUR POLICIES**

We have explained some of our policies such as attendance, personal telephone calls, dress code and others. In addition to these policies, some specific company rules are explained below. You are expected to be aware of these policies and abide by them as well as generally accepted standards of good conduct and decency. Failure to do so may result in disciplinary action. If you have any questions about any of these policies, ask your manager.

## **SECURITY PRACTICES**

Allsup's security practices are intended to protect the company's assets — its people, its property, and its proprietary information. Prevention of loss is essential to the successful operation of the business. If you are in a position requiring the use of Allsup proprietary data or the control of physical assets, you are expected to follow good security practices. Security is everyone's business.

## **PERSONAL CONDUCT**

Allsup has no desire to interfere in the personal activities of employees. However, your after hours conduct may be of concern to Allsup Inc. if it has a negative impact on your

When there is reasonable suspicion that an employee has reported to work with illegal drugs or alcohol in the employee's system, he or she will be subject to drug and alcohol testing. Allsup Inc., as part of its drug/alcohol testing program, may also test employees after they have been involved in a work related accident.

Refusal of a drug/alcohol test will be considered by Allsup Inc. to be an act of insubordination and will result in immediate discharge. Any employee who tests positive will be subject to discipline, up to and including discharge. Note: Please refer to Allsup's Drug-Free Workplace policy for information on discipline for employees who test positive for drugs or alcohol.

Allsup Inc. urges individuals with drug and alcohol abuse problems to seek help, and the company is committed to providing assistance in this regard. Allsup has a confidential employee assistance program (EAP) available to all employees and their immediate family members.

#### **SOLICITATIONS**

Soliciting other employees for contributions, money, memberships or other purposes during the employee's working time is not allowed. Distribution of non-work related literature during working time or in work areas is not allowed.

A bulletin board in the lunchroom is available for employees' use. Employees can post items for sale, fliers on upcoming events, etc. No items of a derogatory or slanderous nature shall be posted on this bulletin board. A table is also placed in the lunchroom where employees can solicit for Girl Scout cookies, candy bars, etc. Allsup Inc. is not responsible for any lost merchandise or money.

#### ***GIFTS OR GRATUITIES***

Employees should not profit personally from Allsup's relationships with other organizations. You should not solicit or accept for personal use a gift, premium or discount unless specifically agreed to by Allsup management.

#### ***CONFIDENTIALITY AND NON-COMPETITION***

The duties you perform for Allsup Inc. place you in a position of trust and confidence with respect to certain trade secrets and confidentiality relating to Allsup Inc. and our clients.

As an employee, you are expected to protect confidential information and trade secrets, which are vital to the interest and success of Allsup Inc. Confidential information includes, but is not limited to, knowledge and information concerning Allsup services, customers, business operations and technical details of Allsup's business and the services rendered by Allsup Inc.

It also includes existing and projected plans for business organizations, new or existing services, development, sales, research, purchasing, accounting and marketing with respect to Allsup Inc. If a situation arises concerning discussion or release of sensitive information and you are not sure if it should be divulged, immediately consult your manager.

#### ***SOFTWARE CODE OF ETHICS***

Allsup Inc. expects all employees to abide by our Software Code of Ethics. All software must be used in accordance with